

# FREEDOM OF INFORMATION (FOI) REQUEST

EPA-R6-2018-009154

**Due Date:** 07-25-18

**Requester:** Christine Pietrzyk

**Subject:** Requesting information on Flint Creek Power Plant 21797 SWEPCO Plant Road Benton County, Gentry, AR I'm looking for any document Pre 2009 including • Investigation/remediation reports; • Groundwater monitoring reports; • Discharge monitoring reports (DMRs); • Permits; • Closure Plans; and • Anything related to impoundments and/or ash ponds.

**Environmental Group:** No

**Lead Branch:** 6WQ-P

**Input Branch(es):**

**Comments:** This is a **multiple division** request: (1) If you have responsive records send to La Gayla via email in pdf form along with the cost sheet completely filled out. (2) If no responsive records provide to me via email the no records forms and the cost sheet filled out completely. If you have any questions contact La Gayla at 5-7517 or Dorothy at 5-8141.

**Route to:**

D. Garcia *[Signature]*

S. Dwyer \_\_\_\_\_

Date 7/3/18

**Assign to ORC:**

**Assign to RA:**

Yes \_\_\_\_ No X

Yes \_\_\_\_ No X

Please return to La Gayla (11.184) or Dorothy (11.178). Thanks in advance.

Prepared by: LJ 07-03-18

RECEIVED  
18 JUL -5 AM 10:50  
PERMITS BRANCH  
GWO-P

Please forward assigned FOIA request to your Division Director so they can determine and directly notify the RA or RA-D that they need to be assigned the FOIA request for responsive records. (This includes 6RA, 6RA-D) Also, if a determination is made that the FOIA request needs to be assigned to a different Division, Region and/or Headquarters, please inform the FOIA Office.

FREEDOM OF INFORMATION ACT REQUEST  
EPA-R6-2018-009154

REQUEST DATE: June 29, 2018 PERFECTED/CLOCK START: July 02, 2018

REQUESTOR INFORMATION:

Christine Pietrzyk  
Roux Assoc.  
1200 Harger Rd., Suite 800  
Oak Brook, IL 60523

Email: cpietrzyk@rouxinc.com  
Work: 630-601-7029 Fax: not available

FEE CATEGORY: Commercial

\*\*\*\*\*SUBJECT\*\*\*\*\*

I'm looking for information regarding the Flint Creek Power Plant 21797 SWEPCO Plant Road Benton County, Gentry, AR I'm looking for any document Pre-2009 including • Investigation/remediation reports; • Groundwater monitoring reports; • Discharge monitoring reports (DMRs); • Permits; • Closure Plans; and • Anything related to impoundments and/or ash ponds. I do not need anything related to Air or Title V.

\*\*\*\*\*ASSIGNED OFFICE(s)\*\*\*\*\*

6MM  
6EN  
6WQ

DUE DATE: July 25, 2018

\*\*\*\*\*SPECIAL INSTRUCTIONS TO DIVISIONS\*\*\*\*\*

1. Always note Fee commitment by requester: \$ 200.00
2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 200.00
3. Each Division must obtain Division Director or delegate concurrence on denial log before routing to ARA signature.
4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).

\*\*\*\*\*DO NOT WRITE IN THIS SPACE, FOR FOIA OFFICE USE ONLY\*\*\*\*\*

BILLABLE COST

	\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL
6MM						
6EN						
6WQ						

**EPA-R6-2018-009154**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

**CERTIFICATION OF ADEQUACY OF SEARCH ON**  
**"NO RECORD" RESPONSES**

I, \_\_\_\_\_, certify that I am employed by the Environmental Protection Agency, Region 6, in Dallas, Texas (or acting as a representative) as \_\_\_\_\_, that I am familiar with the records requested and/or that I am responsible for conducting the search for responsive records for Request Identification Number EPA-R6-\_\_\_\_\_, and that I have conducted an "adequate" search for responsive records by searching the below listed location(s) (as applicable):

- 1.
- 2.
- 3.

I further certify that I am aware that a search for responsive records need not be perfect, only adequate and that adequacy is measured and/or determined by the "reasonableness" of the effort of the search in light of the specific request. Specifically, I have searched for the documents in all places that it is practical for the documents to be located. Moreover, after conducting an adequate search for records on behalf of the

\_\_\_\_\_ Division/Unit, I have located no records responsive to this request or portions thereof. Further, I am attaching an itemized listing of all records which my search supports are not in the Region's possession.

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Person Conducting Search

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Designated Supervisor for  
Person Conducting Search

Approved by OGC

## STAFF CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION

EPA-R6-

YES NO N/A

Program has responsive records

\_\_\_\_

Searched all possible locations (hard copy/e-mail,  
Files in workstation, file rooms, hard/flash/shared drives,  
CDs, blackberries etc.)

\_\_\_\_

Advised RFO/DFC of any special circumstances/  
Sensitivity related to the FOIA Request

\_\_\_\_

Consulted with the FOIA Requester and/or RFO/DFC  
For further clarification of the request

\_\_\_\_

Completed "Certification of Adequate Search" form  
for "No Records" Response

\_\_\_\_

Completed Cost Sheet

\_\_\_\_

Provided responsive records to the assigned FOIA  
Specialist by due date on transmittal form

\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Ext. \_\_\_\_\_

Printed Name: \_\_\_\_\_ Office Name: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE REGIONAL  
FOI OFFICER ALONG WITH THE RESPONSIVE RECORDS, A COST SHEET AND  
"NO RECORDS" CERTIFICATION FORM (IF NECESSARY), FOR EACH FOIA  
REQUEST PROCESSED.**

**STAFF CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION**

EPA-R6-

YES   NO   N/A

Program has responsive records

\_\_\_\_\_

Searched all possible locations (hard copy/e-mail,  
Files in workstation, file rooms, hard/flash/shared drives,  
CDs, blackberries etc.)

\_\_\_\_\_

Advised RFO/DFC of any special circumstances/  
Sensitivity related to the FOIA Request

\_\_\_\_\_

Consulted with the FOIA Requester and/or RFO/DFC  
For further clarification of the request

\_\_\_\_\_

Completed "Certification of Adequate Search" form  
for "No Records" Response

\_\_\_\_\_

Completed Cost Sheet

\_\_\_\_\_

Provided responsive records to the assigned FOIA  
Specialist by due date on transmittal form

\_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Ext. \_\_\_\_\_

Printed Name: \_\_\_\_\_ Office Name: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE REGIONAL  
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"NO RECORDS" CERTIFICATION FORM (IF NECESSARY), FOR EACH FOIA  
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Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Person Conducting Search

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Designated Supervisor for  
Person Conducting Search

*Approved by OGC*

Please read instructions on back before completing form.

FOIA FEE CALCULATION WORK SHEET				
1.REQUEST NUMBER EPA-R6-	2.TYPE OF REQUESTER	3.DATE COMPLETED	4.ACTION OFFICE	
NOTE: The Freedom of Information Act and EPA's regulations state that the Federal Government must obtain a fee commitment from a FOIA requester before billing can occur. So if no fee commitment is plainly given in the request letter or if other Divisions also have records, please contact the requester. Provide the requester with an estimate. Make sure the requester understands what program records you refer to and make a note of his/her fee commitment.				
5. FEE COMMITMENT AMT		6. DATE OF VERBAL/WRITTEN COMMITMENT		7. FEE COMMITMENT RECEIVED FROM
8. CLERICAL PERSONNEL		TOTAL HRS	¼ HOUR RATE	COST
a. Search - \$4.00 @ ¼ HOUR			x \$4.00 =	
b. Review - \$4.00 @ ¼ HOUR			x \$4.00 =	
9. PROFESSIONAL PERSONNEL		TOTAL HRS	¼ HOUR RATE	COST
a. Search - \$7.00 @ ¼ HOUR			x \$7.00 =	
b. Review - \$7.00 @ ¼ HOUR			x \$7.00 =	
10. MANAGERIAL PERSONNEL		TOTAL HRS	¼ HOUR RATE	COST
a. Search - \$10.25 @ ¼ HOUR			x \$10.25 =	
b. Review - \$10.25 @ ¼ HOUR			x \$10.25 =	
11. DUPLICATION/REPRODUCTION		TOTAL	RATE OR ACTUAL	COST
a. Paper or Computer Page (2 sided copy = 2 copies)			x \$ .15 pg =	
b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =	
c. Microfiche			x \$ 1.00/sheet =	
d. Microfilm			x \$10.00/cartridge =	
e. Video or Audio Cassette (Specify)			x \$5.00/each =	
f. Maps				
g. Photos				
12. OTHER COSTS		TOTAL	RATE OR ACTUAL	COST
a. Computer Cost			x =	
b. Certifications			x \$25.00 =	
c. Special Handling - Overnight Mail			x =	
d. Other			x =	
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	¼ HOUR RATE	COST
a. Preparer's Name: _____ Grade/Step: _____			x =	
b. Preparer's Name: _____ Grade/Step: _____				
14. FOR FOIA OFFICE USE ONLY				
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____		
b. TOTAL COLLECTABLE FEES _____		d. FEES WAIVED/REDUCED YES OR NO _____		

R6 FOIA FORM 6/03

# INSTRUCTIONS FOR COMPLETING THE FOIA FEE CALCULATION WORK SHEET

Pursuant to the Electronic Freedom of Information Act Amendment of 1996, the Annual Report to Congress that all agencies are required to submit must include the administrative cost to implement FOIA.

The FOI Office will generate a bill for the requester but we also need your help to capture the actual administrative cost to process a FOIA request. Therefore, this worksheet is to be completed for all FOIA requests by all personnel involved in answering a FOIA request. Please complete the following information and return it to the FOIA Office along with a copy of the response letter. If you have any questions, please contact Leticia Lane at 214-665-7202 or [lane.leticia@epa.gov](mailto:lane.leticia@epa.gov).

1. REQUESTER NUMBER - e.g., 06-FOIA-0342-03.

2. TYPE OF REQUESTER

#1 Commercial Use Request: requester charged for search, review & duplication costs.

#2 Educational & Non-Commercial Scientific Institutions: requester charged for duplication costs excluding the first 100 pages.

#3 Representative of the news media: requester charged for duplication costs excluding the first 100 pages.

#4 All Other Requests: requester charged for search & duplication time excluding the first two hours of search time & the first 100 pages of duplication.

3. DATE COMPLETED - Enter month, day and year.

4. ACTION OFFICE - Mail code of responder.

5. FEE COMMITMENT AMT - fee commitment amount received from requester for the processing of FOIA request.

No Fee Charged for  $\leq \$14.00$

Bills sent between \$14.01 - \$25.00, no payment assurance required  
Written Assurance of payment from requester for amounts  $> \$25.00$

6. DATE OF VERBAL / WRITTEN COMMITMENT - date when verbal or written fee commitment was given.

7. FEE COMMITMENT RECEIVED FROM - name of person from which you received verbal or written fee commitment.

8. CLERICAL PERSONNEL - enter total hours x hourly rate = cost.

a. Search - Time spent in locating the requested information.

b. Review - Time spent in reviewing the document content for releasable documents.

9. PROFESSIONAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

10. MANAGERIAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

11. DUPLICATION / REPRODUCTION - Enter Total x Rate or Actual = Cost.

12. OTHER COSTS - Enter Total x Rate or Actual = cost.

13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME  
enter total x hour rate = cost

Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, preparing ltr, telephone calls etc.

a. Preparer's Name is the person who prepares ltrs/telephone calls etc. Grade/Step is grade & step of preparer.

14. FOR FOIA OFFICE USE ONLY

a. Total Administrative / Processing Fees - add the actual administrative cost block in the cost column.

b. Total Collectable Fees - add the review / search blocks in the cost column.

c. Total Charged - enter the amount that the requester was charged.

d. Fees Waived / Reduced - Indicate if the cost of processing the request was waived or reduced by circling yes or no.

Please forward assigned FOIA request to your Division Director so they can determine and directly notify the RA or RA-D that they need to be assigned the FOIA request for responsive records. (This includes 6RA, 6RA-D) Also, if a determination is made that the FOIA request needs to be assigned to a different Division, Region and/or Headquarters, please inform the FOIA Office.

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REQUEST DATE: June 29, 2018 PERFECTED/CLOCK START: July 02, 2018

REQUESTOR INFORMATION:

Christine Pietrzyk  
Roux Assoc.  
1200 Harger Rd., Suite 800  
Oak Brook, IL 60523

Email: cpietrzyk@rouxinc.com  
Work: 630-601-7029 Fax: not available

FEE CATEGORY: Commercial

\*\*\*\*\*SUBJECT\*\*\*\*\*

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\*\*\*\*\*ASSIGNED OFFICE(s)\*\*\*\*\*

6MM  
6EN  
6WQ

DUE DATE: July 31, 2018

\*\*\*\*\*SPECIAL INSTRUCTIONS TO DIVISIONS\*\*\*\*\*

1. Always note Fee commitment by requester: \$ 200.00
2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 200.00
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4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).

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BILLABLE COST

	\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL
6MM						
6EN						
6WQ						

**INTERNAL USE ONLY – DO NOT SEND THIS TO REQUESTER**

Please read instructions on back before completing form.

**FOIA FEE CALCULATION WORK SHEET**

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b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =
c. Microfiche			x \$ 1.00/sheet =
d. Microfilm			x \$10.00/cartridge =
e. Video or Audio Cassette (Specify)			x \$5.00/each =
f. Maps			
g. Photos			
12. OTHER COSTS		TOTAL	RATE OR ACTUAL      COST
a. Computer Cost			x =
b. Certifications			x \$25.00 =
c. Special Handling – Overnight Mail			x =
d. Other			x =
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	¼ HOUR RATE      COST
a. Preparer's Name: _____ Grade/Step: _____			x =
b. Preparer's Name: _____ Grade/Step: _____			
14. FOR FOIA OFFICE USE ONLY			
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____	
b. TOTAL COLLECTABLE FEES _____		d. FEES WAIVED/REDUCED      YES      OR      NO	

R6 FOIA FORM 6/03

## INSTRUCTIONS FOR COMPLETING THE FOIA FEE CALCULATION WORK SHEET

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4. ACTION OFFICE - Mail code of responder.

5. FEE COMMITMENT AMT - fee commitment amount received from requester for the processing of FOIA request.

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Search/Review - see explanation above

11. DUPLICATION / REPRODUCTION - Enter Total x Rate or Actual = Cost.

12. OTHER COSTS - Enter Total x Rate or Actual = cost.

13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF-TIME  
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14. FOR FOIA OFFICE USE ONLY

a. Total Administrative / Processing Fees - add the actual administrative cost block in the cost column.

b. Total Collectable Fees - add the review / search blocks in the cost column.

c. Total Charged - enter the amount that the requester was charged.

d. Fees Waived / Reduced - indicate if the cost of processing the request was waived or reduced by circling yes or no.

## REGION 6 FOIA CHECKLIST

### *III. ACTION OFFICES (FOIA Specialists/Other Assigned Staff)*

1. ☐ Does the FOIA request need to be assigned to another Division, Region and or Headquarters? (if so, notify the DFC immediately and provide a POC or office name)
2. ☐ Does the FOIA request need additional clarification? (if yes, contact the DFC to get additional clarification. Document all communication with requester (if any) and provide to DFC for uploading into FOIAonline)
3. ☐ Is the Fee Commitment adequate for the FOIA process? (if not, contact the DFC for a larger fee commitment)
4. ☐ Is the request likely to be billable? (if a fee waiver has been requested, notify the DFC within 24 hours of assignment whether billable fees are expected to exceed \$25.00)
5. ☐ Do I need additional time to continue the process? (if yes, contact the DFC for an extension and the reason for the extension)
6. ☐ Are responsive records already available in the public domain? (if yes, provide the website or address to location of the responsive information to the DFC)
7. ☐ Are responsive records available from a different agency/office? (if yes, provide the referral office / agency info to the DFC)
8. ☐ Have I conducted an adequate search and completed the Search Verification Checklist? (provide a copy of completed search verification checklist to the DFC; also see Steps 7 and 11 of this SOP)
9. ☐ Did my search result in no responsive records to the request? (if no responsive records located, complete a "No Records" Certification Form and provide to the DFC, along with fee calculations)
10. ☐ Does MS Outlook Email need to be searched for responsive records to the request? (if yes, check with the DFC and FOIA Office to determine if the search should be run through the MS Outlook Email Search Service by an eDiscovery technical team)
11. ☐ Did I locate responsive records that can be released? (if yes, provide copies to the DFC, along with internal supporting documents, including fee calculations)
12. ☐ Did I locate responsive records that must be withheld? (if yes, provide copies to the DFC, along with an exemption log (denial log) and fee calculations)
13. ☐ Did I redact appropriate portions of responsive records (if applicable) and identify all FOIA exemptions being applied at the place of each redaction? (a copy of both the original and the redacted record must be provided to the DFC)
14. ☐ Did I locate responsive records claimed as trade secret or confidential business information (CBI)? (if yes, follow the appropriate steps for handling CBI; also see Step 12 and Attachments 9, 10 and 11 of this SOP, and 40 C.F.R. Part 2, Subpart B)